

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

IN RE:	§	
	§	
REAGOR-DYKES MOTORS, LP	§	CASE NO. 18-50214-rlj11
	§	
DEBTOR	§	

IN RE:	§	
	§	
REAGOR-DYKES IMPORTS, LP	§	CASE NO. 18-50215-rlj11
	§	(Jointly Administered Under
DEBTOR	§	Case No. 18-50214)

IN RE:	§	
	§	
REAGOR-DYKES AMARILLO, LP	§	CASE NO. 18-50216-rlj11
	§	(Jointly Administered Under
DEBTOR	§	Case No. 18-50214)

IN RE:	§	
	§	
REAGOR-DYKES AUTO COMPANY, LP	§	CASE NO. 18-50217-rlj11
	§	(Jointly Administered Under
DEBTOR	§	Case No. 18-50214)

IN RE:	§	
	§	
REAGOR-DYKES PLAINVIEW, LP	§	CASE NO. 18-50218-rlj11
	§	(Jointly Administered Under
DEBTOR	§	Case No. 18-50214)

IN RE:	§	
	§	
REAGOR-DYKES FLOYDADA, LP	§	CASE NO. 18-50219-rlj11
	§	(Jointly Administered Under
DEBTOR	§	Case No. 18-50214)

**NOTICE OF RECLAMATION DEMAND OF
HANNER CHEVROLET PONTIAC GMC TRUCKS, INC.
PURSUANT TO 11 U.S.C. SECTION 546(c) AND
ADMINISTRATIVE CLAIM PURSUANT TO 11 U. S.C. SECTION 503(b)(9)**

Hanner Chevrolet Pontiac GMC Trucks, Inc. ("Hanner"), by its undersigned counsel, files the following Notice of Demand for Reclamation and respectfully represents as follows:

1. On or about August 1, 2018, (the "Petition Date"), Reagor-Dykes Motors, LP (the "Debtor") and five (5) affiliated entities (collectively, the "Debtors"), filed voluntary petitions for relief under Chapter 11 of Title 11 of the United States Code.

2. Prior to the Petition Date, Hanner sold goods in the ordinary course of business to the Debtor, and the Debtor received these goods within forty-five (45) days of the Petition Date at a time when the Debtor was insolvent.

3. Hanner hereby files this notice of its delivery of a written demand for reclamation pursuant to 11 U.S.C. Section 546(c) and Section 2-702 of the Uniform Commercial Code (the "Reclamation Demand") on the Debtor and its attorney of record by email, facsimile, Federal Express Overnight, certified mail – return receipt requested and first class mail, to reclaim certain goods detailed in this Reclamation Demand (hereinafter, the "Goods"), to-wit: a 2018 Chevrolet Silverado, VIN #3GCUKREC7JG331903, (Exhibit "A", attached hereto, is a true and accurate copy of the Reclamation Demand served on the Debtor).

4. Hanner is informed and believes, and on that basis alleges, that the Goods remain in the Debtor's possession as of the date of this demand. The Goods are valued at \$47,371.53.

5. Pursuant to this Reclamation Demand, Hanner hereby demands the immediate return of the Goods described above and/or payment of all sums due. Hanner asserts a secured and administrative claim against the Debtor's estate for the value of said Goods.

6. Notice is hereby specifically given to the Debtor to segregate said Goods from the Debtor's other inventory and fully account for any deficiency until such time that full payment for said Goods is tendered to Hanner or, alternatively, until such time that final, non-appealable order is entered allowing Hanner a secured claim or an administrative expense claim under Section 503(b)(9) with respect to said Goods not paid for.

7. Hanner further demands that the Debtor cease and desist using, disposing of, selling or transferring said Goods.

PLEASE TAKE FURTHER NOTICE that the filing of this Reclamation Demand is not intended to constitute an election of remedies or a waiver of any rights under Title 11 of the United States Code, the Uniform Commercial Code, or any other applicable law. Hanner expressly reserves any and all rights and remedies under applicable law, including but not limited to (i) the rights to seek setoff or recoupment; (ii) its right to be paid in the ordinary course of business as a post-petition creditor of the Debtor to the extent that the goods were delivered to the Debtor on or after the Petition Date; (iii) its right to be paid as a "critical vendor" pursuant to any order of the Court authorizing such payment; (iv) its right to assert a 20-day administrative priority claim pursuant to 11 U.S.C. Section 503(b)(9); (v) its right to assert a "new value" defense to any preference demand pursuant to 11 U.S.C. Section 547(c)(4); (vi) its right to demand payment as a "cure" payment in connection with the Debtor's assumption of an executory contract, if any, pursuant to 11 U.S.C. Section 365; and (vii) its right to seek payment of pre-petition debts from any non-debtor party that is a co-obligee or guarantor.

By filing this Reclamation Demand, Hanner does not consent to the entry of final orders by the bankruptcy court on non-core issues, matters and claims, and does not waive any jurisdictional defenses.

PLEASE TAKE FURTHER NOTICE that Hanner hereby asserts, pursuant to 11 U.S.C. Section 503(b)(9) an administrative claim for the Goods furnished to the Debtor within twenty (20) days of the Petition Date, which Goods are referenced in the attached Exhibit "B" and which is valued cumulatively in the amount of \$68,460.70. Hanner further requests that the Court order the immediate payment of such administrative claim.

DATED: August 17, 2018.

HANNER CHEVROLET PONTIAC GMC TRUCKS, INC.

By: 

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(325) 672-7824
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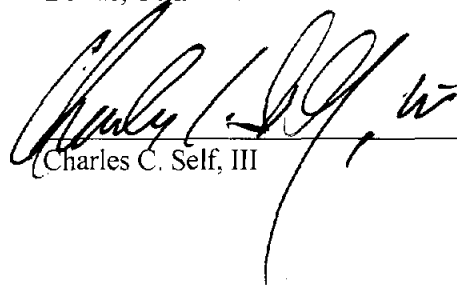
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CERTIFICATE OF SERVICE

I do hereby that a true and correct copy of the above Notice of Appearance and Request for Service of Papers was served upon the parties listed below via U.S. first class mail or electronically via the Court's ECF System on this date: August 17, 2018.

David R. Langston
P. O. Box 2585
Lubbock, Texas 79408-2585

U.S. Trustee
1100 Commerce Street, Room 976
Dallas, Texas 75242



Charles C. Self, III

THE WHITTEN LAW FIRM, PC

ATTORNEYS AT LAW
500 CHESTNUT, SUITE 1402
ABILENE, TEXAS 79602

GARY L. HACKER
OF COUNSEL
Tel. (325) 672-7824
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glh@whittenfirm.com

PLEASE REPLY TO:

500 Chestnut, Suite 1402
Abilene, Texas 79602

August 16, 2018

David Langston
Mullin, Hoard & Brown
P. O. Box 2585
Lubbock, Texas 79408-2585
Via Regular Mail; Fax: (806) 765-0553 and
drl@mhba.com

Reagor-Dykes Motors, LP
1215 Avenue J
Lubbock, Texas 79401
CMRRR#: 7016 1370 0001 1282 9196 AND
FED EX – NEXT DAY DELIVERY
(7729 9465 1611)

Re: No. 18-50214-RLJ; Reagor-Dykes Motors, LP
U. S. Bankruptcy Court, Northern District of Texas
RECLAMATION DEMAND TO REAGOR-DYKES MOTORS, LP

Gentlemen:

In accordance with Bankruptcy Code Section 546(c), Hanner Chevrolet Pontiac GMC Trucks, Inc. ("Creditor") hereby makes demand for reclamation of goods (the "Goods") received by Reagor-Dykes ("Debtor") from Creditor within the forty-five (45) days prior to the petition filing date in the Debtor's bankruptcy case at a time when Debtor was insolvent, and which Goods are currently in Debtor's possession. (Accordingly, this would cover goods received by Debtor on or after July 10, 2018). Attached hereto as Exhibit "A" is documentation describing or identifying the particular Goods for which Creditor asserts its reclamation claim. Creditor reserves the right to modify the scope of the Goods subject to its reclamation claim, following further investigation and subject to applicable law.

Please contact the undersigned for instructions concerning the return of the Goods to Creditor. You are further notified that all goods subject to Creditor's reclamation rights should be protected and segregated, and are not to be sold or used for any purpose whatsoever except by agreement of the parties or following notice and a hearing by the Bankruptcy Court.

We appreciate your cooperation in this matter. Please call with any questions.

Very truly yours,

THE WHITTEN LAW FIRM, PC.

By: 
Gary L. Hacker, of Counsel

GLH/tp

w/enc.

EXHIBIT A

Exhibit A

2018 Chevrolet Silverado, VIN #3GCUKREC7JG331903

Exhibit B

Goods sold and delivered to Debtor on July 31, 2018, for which Hanner Chevrolet Pontiac GMC Truck has not been paid the sales price of \$68,460.70:

2019 GMC Sierra VIN#1GT12SEY3KF109500